

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BELLA ZUZEL,**

**Plaintiff,**

**v.**

**SEPTA and CARDINAL,  
HEALTH INC.,**

**Defendants.**

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**CIVIL ACTION**

**No. 19-268**

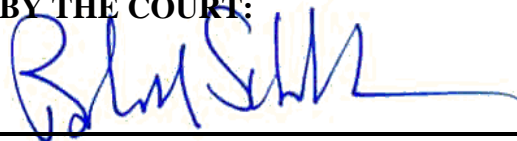
**ORDER**

**AND NOW**, this **18<sup>th</sup>** day of **July 2019**, upon consideration of Defendant SEPTA's Motion to Dismiss, Defendant Cardinal Health's Motion to Dismiss, Plaintiff's responses, and for the reasons stated in the Court's memorandum dated July 18, 2019, it is **ORDERED** that:

1. Defendant SEPTA's Motion to Dismiss (Document No. 19) is **DENIED as moot**.
2. Defendant SEPTA's Motion to Dismiss (Document No. 21) is **GRANTED in part** and **DENIED in part** as follows:

- a. The motion is **DENIED** to the extent that SEPTA seeks to dismiss Plaintiff's claim under the Americans with Disabilities Act.
- b. The motion is **GRANTED** to the extent that SEPTA seeks to dismiss Plaintiff's claim pursuant to 42 U.S.C. § 1983 and request for attorney's fees pursuant to 42 U.S.C. § 1988.
3. Defendant Cardinal Health's Partial Motion to Dismiss (Document No. 22) is **GRANTED**. Plaintiff's claims for defective manufacture and breach of express warranty are **DISMISSED with prejudice**. Plaintiff may proceed with her claims for failure to warn, defective design, and breach of implied warranty against Cardinal Health.

**BY THE COURT:**



**Berle M. Schiller, J.**